

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE NORTHERN DISTRICT OF INDIANA  
HAMMOND DIVISION**

<b>IN RE:</b>	)	
	)	
<b>JOHN MILEUSNIC,</b>	)	<b>CASE NO.: 20-21394</b>
	)	
<b>Debtor(s).</b>	)	<b>CHAPTER 7</b>

**TRUSTEE’S RESPONSE AND OBJECTION  
TO DEBTOR’S MOTION TO DISMISS**

Kenneth A. Manning, Chapter 7 Trustee, objects to Debtor’s Motion to Dismiss this Chapter 7 case.

- 1) This Chapter 7 case commenced by voluntary petition filed July 14, 2020.
- 2) Kenneth A. Manning is Chapter 7 Trustee.
- 3) Debtor has listed/scheduled non-exempt financial assets in the sum of \$14,975.00.  
(Docket Entry 24) NOTE: Trustee has received initial partial bank records indicating Debtor had over \$29,000.00 of non-exempt bank accounts.
- 4) Trustee has objected to Debtor’s claimed exemptions. (Docket Entry 54) Trustee has filed Motion For Turnover of complete bank records, which turnover will determine the actual amount of non-exempt bank balances. (Docket Entry 55)
- 5) The last day for claims to be filed is December 28, 2020, Government claims January 11, 2021.
- 6) The sole basis for Debtor’s Motion to Dismiss is that he is not eligible for a discharge pursuant to 11U.S.C.727(a)(8).
- 7) Debtor’s non eligibility to obtain a discharge is not grounds for voluntary dismissal by Debtor.

8) It would be prejudicial to creditors, and creditor claims, to allow Debtor's voluntary dismissal when there are non-exempt assets available for payment of creditor claims.

Trustee prays for an order denying Debtor's voluntary motion to dismiss; and requests hearing.

Respectfully submitted,

/s/ Kenneth A. Manning  
Kenneth A. Manning  
Manning & Mouratides, P.C.  
120 West Clark Street  
Crown Point, Indiana 46307  
Phone: (219) 865-8376  
Attorney for Chapter 7 Trustee

**CERTIFICATE OF SERVICE**

I, hereby certify that on October 8, 2020, service of a true and complete copy of the above document was served by:

**Electronic mail service pursuant to Court's CM/ECF system:**

United States Trustee – [USTPRegion10.SO.ECF@usdoj.gov](mailto:USTPRegion10.SO.ECF@usdoj.gov)

**By U.S. Mail First Class Postage Prepaid:**

John Mileusnic, 325 Plum Creek Drive, Schererville, IN 46375

/s/ Kenneth A. Manning  
Kenneth A. Manning